IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 3542 of 2005

Between:

Sri Venkateswara Non-Ferrous Foundry,
rep. by its Partner, Jitendra Virani,
S/o Harshuklal Virani, 19/5, Industrial Area,
Azamabad,Hyderabad - 500 020.

..... PETITIONER

AND

1 The Commercial Tax Officer, Musheerabad Circle, Hyderabad.
2 Appellate Deputy Commissioner (CT),
Secunderabad Division, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order more particularly one in the nature of writ of mandamus declaring the action of the respondent in not considering the representation dated 5-11-2004 and claim form XXIII dated 9-9-2004 submitted under rule 44-AA of the APGST Act 1957 as per the consequential assessment order dated 2-7-2004 for the Assessment year 2000-2001 for refund of tax amount of Rs.14,79,580/- is illegal, arbitrary and contrary to provisions of Sec. 33B of the APGST Act 1957, and consequently direct the 1st respondent to pay the refund of tax amount and grant such other relief or reliefs as are deemed fit and proper in the circumstances of the

case.

Counsel for the Petitioner: MR.KUNUKUDURGAPRASAD

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed seeking a direction to the respondents to consider the representation, dated 05.11.2004, filed by the petitioner and to pass appropriate orders.

2. Without going into the merits of the case and after hearing the learned counsel for the petitioner and the learned Government Pleader, the Writ Petition is disposed of with a direction to the 1st respondent to dispose of the representation, dated 05.11.2004, filed by the petitioner, if not already disposed of, within a period of four weeks from the date of receipt of a copy of this order.

3. With the above direction, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 07.04.2005

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To

1 The Commercial Tax Officer, Musheerabad Circle, Hyderabad.
2 Appellate Deputy Commissioner (CT),
Secunderabad Division, Hyderabad.

3 2 CCs to the G.P. for Commercial Tax, High Court of A.P., Hyderabad (OUT).

4 2 CD copies